

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1, 25 and 54-59 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7, 9-14, 16-31, 33-38, 40-42, 44-48 and 52-59 remain pending in this application, and claims 2-7, 9-14, 16-24, 26-31, 33-38, 40-42 and 44-48 are withdrawn from consideration. Accordingly, claims 1, 25 and 52-59 are submitted for consideration.

**Rejections under 35 U.S.C. § 103**

Claims 1, 25, 52-53 and 55-59 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 00/67514 to Honkala (hereinafter “Honkala”) in view of U.S. Patent Number 7,039,027 to Bridgelall (hereinafter “Bridgelall”) in further view of Janise McNair *et al.* “An Inter-System Handoff Technique for the IMT-2000 System,” 2000, pp. 208-216 (hereinafter “McNair”). Applicant respectfully traverses these rejections for at least the following reasons.

As noted by Applicant in an earlier reply, embodiments of the present invention provide a system in which two technology networks can be operated by different operators, and the operators do not have to have any knowledge of the topology of the other network. The responsibility to decide on and control the handover between a first technology network and a second technology network is handled by the mobile node, and information for deciding on the handover is detected by the mobile node. Thus, the mobile node itself decides to initiate a handover procedure between technology networks, which requires that the decision to initiate the procedure constitute an automatic process. As recited in independent claims 1,

25 and 59, the decision on the handover is completely on the mobile node side which detects movement based on border information indicated in beacons of access nodes to which the mobile node is/was connected. In accordance with embodiments of the present invention, the mobile node is not a network node, and the actions performed by the mobile node are not performed by the network. Applicant has further amended claims 1, 25 and 59 to more clearly recite this feature.

The cited references fail to teach or suggest at least this feature. While the Examiner acknowledges that Honkala fails to provide “the information being in beacons from access point,” Honkala also fails to provide that the mobile node stores and detects border information and decides and controls the handover. In accordance with the disclosure of Honkala, it is the network that detects movement of a mobile node into a border cell and decides on the handover. See Honkala, page 17, lines 19-27.

The Examiner alleges that Bridgelall discloses access points broadcast information/identity on regularly scheduled beacons. Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Bridelall as applied to the pending claims. Specifically, Bridgelall discloses the regular scheduled beacons at access points in order to provide automatic vertical roaming between a WLAN and WWAN. This is accomplished by maintaining active voice or data connection on a first network while detecting second network availability. Thus, the access point providing the beacon is not currently or previously connected to the mobile station which is changing connection, as the connection within Bridgelall is maintained during transition. Accordingly, Bridgelall fails to teach or suggest the mobile node side handover and decision on mobile node side handover based on stored detected border information in beacons of access nodes to which the mobile node is/was connected.

McNair fails to cure the above-noted deficiencies of Bridgelall and Honkala. McNair discloses a system in which a mobile terminal may be handed off between boundary cell base stations either within one network or between two networks. The process is initiated by an initial *ISHO\_warn* message sent from the network base station or mobile terminal to the boundary cell base station, including the “identification of the MT, and the previous base

station,” the information not being stored within the mobile terminal itself. See McNair, page 210, section A; Figure 4. In order to complete the handoff to another boundary cell base station, a switch is provided at the intersystem boundary of each network in order to maintain a listing of border cell base stations within that network. The mobile terminal may then be reconfigured and handed off based on the results of comparing its previous base station to these lists, the comparison being made through the boundary cell base station forwarding the *ISHO\_warn* message to the switches of both networks. See McNair, page 211, section D; Fig. 5. Therefore, McNair fails to teach or suggest a mobile node which both stores the detected border information and decides on the handover. Instead, McNair merely discloses that the network stores and provides the detected border information in addition to deciding on the handover. Thus, the cited references, either alone or in combination, fail to teach or suggest each feature of the pending claims.

Accordingly, independent claims 1, 25 and 59 are patentable. Claims 52, 53 and 55-58 each depend from one of allowable claims 1 or 25 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Claim 54 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Honkala and Bridgelall and further in view of U.S. Patent No. 7,039,409 to Lobinger *et al.* Claim 54 depends from allowable claim 25 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected

or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 18, 2008 By /G. Peter Albert Jr./

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